

U.S. Department of Justice



United States Attorney

Southern District of New York

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86 Chambers Street, 4th Floor
New York, New York 10007

August 18, 2008

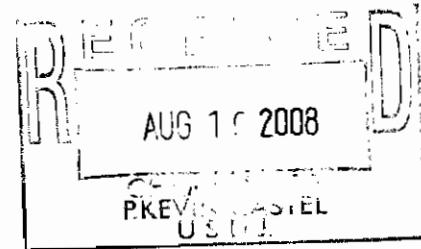
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DATE FILED: 8/25/08

MEMO ENDORSED

BY TELEFACSIMILE
AND BY HAND

Honorable P. Kevin Castel
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2260
New York, New York 10007



Pan v. Chertoff
08 Civ. 5955 (PKC)

Dear Judge Castel:

I am writing respectfully on behalf of both parties to the above-referenced civil action to request an adjournment of the conference scheduled for next Friday, August 29, 2008, at 10:30 a.m., to a date and time convenient to the Court not more than two weeks from the conference's current date. *PKC*

In the action, plaintiff Gui Rong Pan ("Pan"), who has been granted asylum in the United States, seeks to compel United States Citizenship and Immigration Services ("CIS") to adjudicate a Refugee/Asylee Relative Petition ("Form I-730 petition" or "derivative asylum petition") that she has filed with the CIS on behalf of plaintiff Zhuang Hong Lin ("Lin"), in order to confer asylum on him as her spouse, derivative of her successful application.

The parties jointly request an adjournment because I plan to be out of the Office for personal reasons on the date of the conference. More importantly, the time requested will enable the Government to investigate the allegations in the complaint and determine whether Lin is eligible for a derivative grant of asylum – particularly given that he is under an administratively final order of removal from the United States (and is currently detained by United States Immigration and Customs Enforcement ("ICE") at a facility in Maryland) – and explore the possibility of resolving the matter without judicial intervention. Inasmuch as Pan lacks a current travel document, the Government does not object to the Court extending the stay of Lin's removal that it entered on August 9, 2008.

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Counsel for plaintiffs, Andy Wong, Esq., has consented to the contents of this letter and joins in this adjournment request. The parties thank the Court for its consideration of the request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:

F. JAMES LOPREST, JR.
Special Assistant United States Attorney
Tel. No.: (212) 637-2728

cc: BY TELEFACSIMILE
AND FIRST CLASS MAIL

Theodore N. Cox, Esq.
401 Broadway
New York, NY 10013

The initial pretrial conference and hearing are adjourned to September 11, 2008 at 10:30 a.m.

Application Granted.

So Ordered:

Hon. P. Kevin Castel, U.S.D.J.

8/25/08